

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MICHAEL STEPHEN GULLAS,)	CASE NO. 1:18-CV-00719
)	
Petitioner,)	
)	JUDGE DONALD C. NUGENT
v.)	
)	MAGISTRATE JUDGE
)	JONATHAN D. GREENBERG
NANCY A. BERRYHILL,)	
<i>Acting Comm'r of Soc. Sec.</i> ,)	
)	<u>MEMORANDUM OPINION</u>
Respondent.)	

 This matter comes before the Court upon the Report and Recommendation of Magistrate Judge Jonathan D. Greenberg. (ECF #16). On March 29, 2018, Petitioner, Michael Stephen Gullas (“Petitioner” or “Gullas”), filed his Complaint (ECF #1) challenging the final decision of the Acting Commissioner of Social Security denying his application for a Period of Disability (“POD”) and Disability Insurance Benefits (“DIB”) under Title II of the Social Security Act, 42 U.S.C. §§ 416(i), 423, 1381 *et seq.* (the “Act”). Pursuant to Local Rule 72.2(b), the case was referred to Magistrate Judge Jonathan D. Greenberg.

 On February 5, 2019, the Magistrate Judge issued his Report and Recommendation (ECF #16). The Magistrate Judge found the Commissioner’s decision denying Petitioner’s request for a POD and DIB to be supported by substantial evidence and recommends that the Commissioner’s decision be affirmed. Objections to the Report and Recommendation were to be filed within fourteen (14) days of service. On February 19, 2019, Petitioner timely filed Objections to the Report and Recommendation (ECF #17) and on March 5, 2019, Respondent filed a Response to Petitioner’s Objections. (ECF #18).

Standard of Review for a Magistrate Judge's Report and Recommendation

The applicable standard of review of a magistrate judge's report and recommendation depends upon whether objections were made to that report. When objections are made to a report and recommendation of a magistrate judge, the district court reviews the case *de novo*. Fed R. Civ. P. 72(b) states:

The district judge must determine *de novo* any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.

The text of Rule 72(b)(3) addresses only the review of portions of reports to which timely objections have been made; it does not indicate the appropriate standard of review for portions of the report to which no objections have properly been made. The Advisory Committee on Civil Rules commented on the standard of review stating "when no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72 advisory committee's notes (citations omitted).

The U.S. Supreme Court stated: "It does not appear that Congress intended to require district court review of a magistrate judge's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to these findings." *Thomas v. Arn.*, 474 U.S. 140, 150 (1985).

Conclusion

The Court has carefully reviewed the Report and Recommendation and agrees with the findings set forth therein. The Court reviewed *de novo* those portions of the Magistrate Judge's Report and Recommendation to which objections have been made. The Court finds Magistrate Judge Greenberg's Report and Recommendation to be thorough, well-written, well-supported, and correct.

The Court finds that Petitioner's Objections raise no arguments (factual or legal) that have not been fully addressed by the Magistrate Judge's Report and Recommendation.

The Report and Recommendation of Magistrate Judge Jonathan D. Greenberg (ECF #16) is ADOPTED. The decision of the Commissioner denying Petitioner's request for a Period of Disability and Disability Insurance Benefits is AFFIRMED. Petitioner's request that the case be reversed or remanded (ECF #1) is DENIED.

IT IS SO ORDERED



DONALD C. NUGENT
United States District Court

DATED: April 12, 2019